



House of the Federation

SENATE SECRETARIAT

REPORT NO.16 OF 2023

REPORT OF THE SENATE STANDING COMMITTEE ON
CABINET SECRETARIAT

ON

“THE CIVIL SERVANTS (AMENDMENT) BILL, 2023”
INTRODUCED BY SENATOR SYED MUZAFFAR HUSSAIN
SHAH, SENATOR HIDAYAT ULLAH, SENATOR ZEESHAN
KHAN ZADA AND SENATOR DILAWAR KHAN IN THE SENATE
SITTING HELD ON 20TH FEBRUARY, 2023.”

PRESENTED BY

SENATOR RANA MAQBOOL AHMAD

Chairman

Standing Committee on Cabinet Secretariat

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON CABINET SECRETARIAT

I, Senator Rana Maqbool Ahmad, Chairman Senate Standing Committee on Cabinet Secretariat have the honor to present the report of the Committee on "The Civil Servants (Amendment) Bill, 2023" introduced by Senator Syed Muzaffar Hussain Shah, Senator Hidayat ullah, Senator Zeeshan Khan Zada and Senator Dilawar Khan in the Senate sitting held on 20th February, 2023. The House in its sitting held on 20th February, 2023 referred the matter to the Committee for Consideration and report.

2. The Committee comprises of the following honorable Members:-

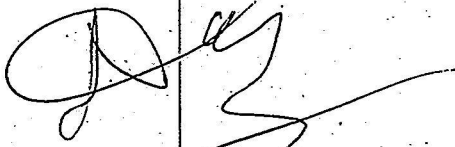
1. Senator Rana Maqbool Ahmad	Chairman
2. Senator Saifullah Sarwar Khan Nyazee	Member
3. Senator Kamil Ali Agha	Member
4. Senator Sarfaraz Ahmed Bugti	Member
5. Senator Khalida Ateeab	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Moulabux Chandio	Member
8. Senator Mushtaq Ahmad Khan	Member
9. Senator Engineer Rukhsana Zuberi	Member
10. Senator Saadia Abbasi	Member
11. Senator Naseebullah Bazai	Member
12. Senator Muhammad Talha Mahmood	Member
13. Senator Muhammad Akram	Member
14. Senator Syed Waqar Mehdi	Member
15. Minister-in-Charge Cabinet Division	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 21st June, 2023 at 11:00 am, in Committee Room No. 4 Parliament House, Islamabad. The meeting was attended by the following Members.

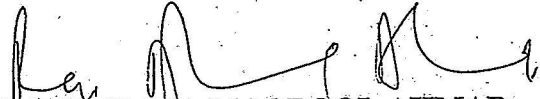
1) Senator Rana Maqbool Ahmad	Chairman
2) Senator Saifullah sarwar Khan Niazi	Member
3) Senator Kamil Ali Agha	Member
4) Senator Mushtaq Ahmed Khan	Member/Mover
5) Senator Engr. Rukhsana Zuberi	Member
6) Senator Saadia Abbasi	Member
7) Senator Naseebullah Bazai	Member
8) Senator Muhammad Akram	Member
9) Senator Danesh Kumar	Mover
10) Senator Gurdeep Singh	Mover
11) Senator Bahramand Khan Tangi	Mover
12) Minister In-Charge Cabinet Division	Ex-Officio Member

4. The committee found that no mover of the Agenda item was present in the meeting. The Chairman of the Committee stated that the matter has been examined thoroughly, seen the advice of the law department and two different summaries sent by the predecessor of the present Secretary

Establishment stating various reasons and law pertaining to the Bill. The Chairman of the committee said that he found no substance in the matter and no need to further continue with the matter. The Chairman of the committee asked the opinion of the committee members who did not pass the Bill and thus the matter was disposed of.



ALI NAWAZ
Secretary Committee



SENATOR RANA MAQBOOL AHMAD
Chairman Committee

INTRODUCED ON 20.02.2023

[AS INTRODUCED IN THE SENATE]

**A
BILL**

further to amend the Civil Servants Act, 1973

WHEREAS It is expedient further to amend the Civil Servants Act, 1973 (LXXI of 1973) for purposes appearing and for matters ancillary thereto;

It is hereby enacted as follows:-

1. Short title and commencement. - (1) This Act may be called the Civil Servants (Amendment) Act, 2023.

(2) It shall come into force at once.

2. Amendment of section 14, Act LXXI of 1973.- In the Civil Servants Act, 1973 (LXXI of 1973), in section 14, for sub-section (1) the following shall be substituted, namely:-

"(1) A retired civil servant shall not be re-employed under the Federal Government by any means of employment including extension, re-employment, contract, consultancy, ad-hoc and temporary basis, contingent paid, project, specialized (including MP scales) posts, and for autonomous bodies, semi-autonomous bodies, corporations, companies, authorities or by any other approval of the authority with or without the prescribed procedure."

STATEMENT OF OBJECTS AND REASONS

The qualifications, experience, credentials or skills of the employee are such that no one is more suitable than him for appointment to that position — or simply that person is fittest to that position on an open merit after the job has been offered to all citizens equally without discrimination instead of the only retired employees.

All employments have to be in public interest, the principles of open merit, transparency, and equality of opportunity need to be observed leading to the selection of the most suitable candidate.

The re-employment of civil servants should not become the rule. A civil servant has legitimate expectation to be promoted to the higher grade or position provided that he fulfills the relevant criteria laid down by the law. However, that legitimate expectation

is denied when another civil servant who after he has reached the age of superannuation is re-inducted against a senior post. In the second place, contract employment creates anomaly in the functioning of a ministry or department. If the person occupying the top position is a contract employee, and therefore not a civil servant, while his post is permanent and the subordinate officials are also permanent employees. In the third place, the re-hiring of retired civil servants makes for political interference in the working of civil services. In most of the cases, the officials are offered reemployment on the basis of their political connections. Such officials find it difficult to resist political pressure, mainly because they owe their job entirely to the political masters. In the fourth place, contract employment brings ad-hocism to the working of civil services, which runs counter to its basic character. As opposed to the political executive or ministers, civil servants are called the permanent executive, because they hold office for a long period and are not sent home with change in government. So, all other modes other than the prescribed rules of regular services need to be discouraged.

The Bill has been designed to achieve the above purpose.

SENATOR SYED MUZAFAR HUSSAIN SHAH
SENATOR HIDAYAT ULLAH
SENATOR ZEESHAN KHAN ZADA
SENATOR DILAWAR KHAN
MEMBERS-IN-CHARGE